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COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Agenda item 17

**PROMOTION AND PROTECTION OF HUMAN RIGHTS**

**Argentina, Armenia, Austria\*, Azerbaijan\*, Belgium\*, Bolivia\*, Brazil, Canada, Chile\*, Costa Rica, Cuba, Dominican Republic, Ecuador, Finland, France, Guatemala\*, Honduras, Ireland, Italy, Luxembourg\*, Mexico, Nigeria, Paraguay, Peru, Portugal\*, Republic of Korea, Romania\*, Slovenia\*, South Africa, Spain\*, Switzerland\*, Timor-Leste and Uruguay\*: draft resolution**

**2005/... Right to the truth**

*The Commission on Human Rights,*

*Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions, of 12 August 1949, and the Additional Protocols thereto of 1977 and other relevant instruments of international human rights law and international humanitarian law, as well as the Vienna Declaration and Programme of Action,*

*Recognizing the universality, indivisibility, interdependence and interrelatedness of civil, political, economic, social and cultural rights,*

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\* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

*Recalling* article 32 of Additional Protocol I to the Geneva Conventions, of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, which recognizes the right of families to know the fate of their relatives,

*Recalling also* that article 33 of Additional Protocol I provides that the parties to an armed conflict shall search for the persons who have been reported missing, as soon as circumstances permit,

*Stressing* that adequate steps to identify victims should also be taken in situations not amounting to armed conflict, especially in cases of massive or systematic violations of human rights,

*Taking into account* its resolution 2004/72 of 21 April 2004, on impunity,

*Recalling* the Set of Principles for the protection and promotion of human rights through action to combat impunity (E/CN.4/Sub.2/1997/20/Rev.1, annex II) and taking note with appreciation of the updated version of these principles (E/CN.4/2005/102/Add.1),

*Noting* that the Human Rights Committee (see CCPR/C/79/Add.63 and CCPR/C/19/D/107/1981) and the Working Group on Enforced or Involuntary Disappearances (see E/CN.4/1999/62) have recognized the right of the victims of gross violations of human rights and the right of their relatives to the truth about the events that have taken place, including the identification of the perpetrators of the facts that gave rise to such violations,

*Acknowledging*, in cases of gross violations of human rights and serious violations of international humanitarian law, the need to study the interrelationship between the right to the truth and the right to access to justice, the right to obtain effective remedy and reparation, and other relevant human rights,

*Acknowledging also* that the right to the truth may be characterized differently in some legal systems as the right to know or the right to be informed or freedom of information,

*Emphasizing* that the public and individuals are entitled to access to the fullest extent practicable information regarding the actions and decision-making process of their Government, within the framework of each State's domestic legal system,

*Stressing* the imperative for society as a whole to recognize the right of victims of gross violations of human rights and serious violations of international humanitarian law, and their families, within the framework of each State's domestic legal system, to know the truth regarding such violations, including the identity of the perpetrators and the causes, facts and circumstances in which such violations took place,

*Convinced* that States should preserve archives and other evidence concerning gross violations of human rights and serious violations of international humanitarian law to facilitate knowledge of such violations, to investigate allegations and to provide victims with access to an effective remedy in accordance with international law,

1. *Recognizes* the importance of respecting and ensuring the right to the truth so as to contribute to ending impunity and to promote and protect human rights;
2. *Welcomes* the establishment in several States of specific judicial mechanisms, as well as other non-judicial mechanisms such as truth and reconciliation commissions that complement the justice system, to investigate violations of human rights and violations of international humanitarian law, and appreciates the elaboration and publication of the reports and decisions of these bodies;
3. *Encourages* the States concerned to disseminate, implement, and monitor implementation of, the recommendations of non-judicial mechanisms such as truth and reconciliation commissions, and provide information regarding compliance with the decisions of judicial mechanisms;
4. *Encourages* other States to consider establishing specific judicial mechanisms as well as, where appropriate, truth and reconciliation commissions to complement the justice system, to investigate and address gross violations of human rights and serious violations of international humanitarian law;
5. *Encourages* States to provide appropriate assistance on this matter to concerned States;
6. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a study on the right to the truth, including information on the basis, scope and content

of the right under international law, as well as best practices and recommendations for effective implementation of this right, in particular, legislative, administrative or any other measures that may be adopted in this respect, taking into account the views of States and relevant intergovernmental and non-governmental organizations, for consideration at its sixty-second session;

7. *Invites* special rapporteurs and other mechanisms of the Commission, in the framework of their mandates, to take into account, as appropriate, the issue of the right to the truth;

8. *Decides* to consider this matter at its sixty-second session under the same agenda item.

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